1 Scott Maurer (CSB #180830)
2 ALEXANDER COMMUNITY LAW CENTER
3 1030 The Alameda
   San José, CA 95126
4 Phone: (408) 288-7030
   Fax: (408) 288-3581
5
6 Attorneys for Plaintiff, TUNG X. NGUYEN
7
8   UNITED STATES DISTRICT COURT
9   NORTHERN DISTRICT OF CALIFORNIA
                        (San Jose Division)
10
11 TUNG X. NGUYEN,   )   Case No. C07-05281 JF
12   )
         Plaintiff   )   DECLARATION OF SCOTT
13   )   MAURER IN SUPPORT OF MOTION
    v.   )   FOR DEFAULT JUDGMENT
14   )
15 ROY GADRI dba VAN NUYS FINANCIAL,)   Judge: The Hon. Jeremy Fogel
)   Dept: Courtroom 3, 5th Floor
16   Defendant.   )   Date: June 27, 2008
17   )   Time: 9:00 a.m.
)
18 _____   )
19
20 I, Scott Maurer, declare,

21 1.   I am an attorney admitted to practice in California and am a member in good standing.

22 2.   I make this declaration based on my own personal knowledge, except for those statements
23
24   based on information and belief, and as to those matters I believe them to be true, and if
25
          called upon as a witness could and would testify thereto.
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    3.   From my own knowledge, I am familiar with the market rates for attorney time, law
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28   student time and paralegal time. On that basis, I believe $290 per hour is a reasonable

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basis for Mark Reedy's time. Mark Reedy is a contract attorney for the Katharine &

George Alexander Community Law Center (KGACLC). Mr. Reedy was admitted to the

California Bar in 1986. He was inactive between January of 1991 and January of 1998.

Since January of 1998, Mr. Reedy has practiced exclusively in the area of consumer law

as a contract attorney for the KGACLC and for Law Offices of William E. Kennedy. On

May 30, 2006, the Honorable Gregory H. Ward (Judge of the Santa Clara County

Superior Court) issued an order specifically finding that $280 per hour was reasonable for

Mr. Reedy's time. (Case No. 1-05-CV-038566, *Solorzano v. Lobel Financial* et al, Santa

Clara County Superior Court; Order Awarding Attorney's Fees to Plaintiff's Counsel).

For all of these reasons, I believe that $290 per hour is merited for Mr. Reedy's time in

this case.

4.   On the same basis, I believe that $150 an hour is a reasonable billing rate for KGACLC

law student time. KGACLC students were awarded a rate of $150 an hour in conjunction

with the same fee petition referenced in the previous paragraph. Furthermore a second

Santa Clara County Superior Court Judge - the Honorable Neal A. Cabrinha - approved

the $150 per hour law student rate in an order entered on December 6, 2006 in *Perea v.*

Ford Motor Credit Company, Santa Clara County Case Number 105CV049314.

5.   For the same reasons, I believe that $125 an hour is a reasonable rate for KGACLC

paralegal work. KGACLC paralegals were awarded a rate of $110 an hour in conjunction

with the same fee petition referenced in paragraph 3 of this declaration.

6.   Attached as Exhibit A are typed time logs showing the compensable hours for each

attorney, law student, and legal assistant who worked on this case. The time logs are

based on handwritten or computerized time records that were kept contemporaneously throughout the case. I also compared the case files with the time record entries to ensure accuracy. In preparing the time logs attached as Exhibit A, I adhered to the following guidelines: 1) No time was charged for clerical work, such as copying and filing; 2) I eliminated all the hours that I spent supervising the certified law students, even though all their actions were pre-approved by me; 3) No time was charged for the time the law students spent to familiarize themselves with the basics of the relevant statutes; 4) In order to ensure that the time charged was "reasonably necessary", I reduced by a factor of at least two (that is, 50% of actual hours were typically charged) the time spent by the law students for the written work and legal research.

7.   Attached as Exhibit B are receipts showing costs incurred totaling $745.

8.   No fees or costs were sought or recovered upon the dismissal of the state court action.

I DECLARE UNDER PENALTY OR PERJURY AND UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.
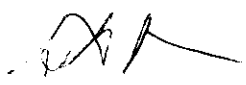

Dated: May 16, 2008

Scott Maurer,
Attorney for Plaintiff Tung X. Nguyen

EXHIBIT "A"

		Case Total	46.30
TIDATE	**ADJUSTED TIME**	**STAFF INITIALS**	**REASON**
4/12/2007	0.7	SA	Drafted demand letter to Van Nuys
4/12/2007	0.3	SA	Finish revising demand letter. Faxed and mailed letter.
4/12/2007	0.2	SA	Researched information regarding release of erroneous judgment lien
4/16/2007	0.3	SA	Talked to Roy Gadri from Van Nuys Financial.
4/16/2007	0.1	SA	Left message for client to call me back.
4/16/2007	0.1	SA	Called Roy Gadri back. Left a message.
4/19/2007	0.3	SA	Spoke with Mr. Nguyen.
4/19/2007	0.3	SA	Talked to Roy Gadri.
4/19/2007	0.2	SA	Spoke with Tung's wife.
4/19/2007	0.2	SA	Drafted retainer agreement.
4/19/2007	0.1	SA	Left message for Roy Gadri.
4/23/2007	2.5	SA	Drafted MPA to set aside default judgment, motion for attorney's fees, and client's declaration.
4/24/2007	0.1	SA	Revised MPA and declaration
4/26/2007	0.8	SA	Revised motion and drafted my declaration
4/26/2007	0.3	SA	Spoke with client. Envelope on the notice of lien indicates that he got it around March 2, 2007.
4/26/2007	0.5	SA	Revised motion and my declaration and declaraton of client
4/26/2007	0.1	SA	Left message for client to call me with date he received notice of lien
4/30/2007	0.3	RC	Spoke to client today at 3:30 pm. Also started fee waiver on legal solutions.
4/30/2007	0.3	RC	Spoke to client and scheduled appt for 5/1 at 4 pm. Drafted fee waiver with client.
4/30/2007	0.2	SA	Revised declarations and motion to set aside
4/30/2007	0.1	SA	Started waiver of fees and general denial on essential forms
4/30/2007	0.1	RC	Left message for client to return my call need to schedule appt for client with Scott. .
5/8/2007	0.1	RC	Client called today wanted to know status of declaration.
5/17/2007	0.1	RC	Left voicemail message for client today at 9:05 am.

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5/24/2007	0.3	RC	Client came in reviewed and signed his declaration. Put together declaration and exhibits
5/24/2007	0.1	RC	spoke to client he will come into office to review declaration
5/25/2007	0.3	RC	Faxed and mailed letter to Van Nuys Financial Roy Gadri re: dates for to schedule a motion.
5/29/2007	0.1	RC	At 2:50 pm Mr. Gadri called requesting an extension before request a court date.
5/30/2007	0.1	RC	Called and left message for client to return my call today at 2;15 pm. Called local clerk SJ court filing fee for first paper is $300 dollars.
6/1/2007	1.1	RC	Traveled to court and filed documents, proof of service and service to Van Nuys Financial.
6/25/2007	0.1	RC	Telephone call with Client.
7/8/2007	1.0	MR	Reuben relayed message from court that motion to set aside is incomplete. Prepared answer, declaration and letter to the court.
7/12/2007	0.1	RC	Client called to confirm court date of July 24 at 9 am in dept 16.
7/24/2007	1.0	MR	Attended CMC.
7/24/2007	0.8	RC	Went to court and filed: Oder setting aside Default and Default Judgment & Granting Leave to File an Answer
7/26/2007	0.2	MR	Received call from Nancy Norris of the Law Office of Robert R. Norris (818 363-0203). Also received Substitution of Attorney form from them.
7/26/2007	0.2	MR	Made phone call to client.
8/30/2007	0.2	EP	Draft client retainer for Federal Case.
8/30/2007	0.1	EP	Client returned call. Made appt for Tues 9/4 @ 4PM.
9/4/2007	1.2	EP	Met with client.
9/4/2007	0.6	EP	Draft client CMC statement & accompanying letter to opposing counsel.
9/4/2007	0.1	EP	Draft Proof of Service.
9/6/2007	0.8	EP	Filed proof of service with court.
9/6/2007	0.6	EP	Prepare proof of service, letter to attorney, case management statement.
9/10/2007	0.2	EP	s/w client and confirmed he is available in Jan & Feb 2008 for trial.
9/11/2007	2.8	EP	Attend CMC. Opposing counsel was not present. Court scheduled OSC on 10/4 and requested we notice opp. counsel. (include .3 travel time)
9/11/2007	0.2	EP	Email to Client.
9/11/2007	0.0	EP	met with Scott re: CMC
9/13/2007	0.5	EP	Legal research on FDCPA and CA Rosenthal notice violations.
9/13/2007	0.5	EP	Draft complaint.
9/17/2007	1.3	EP	Draft Complaint.

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9/18/2007	0.4	EP	Draft complaint.
9/18/2007	0.1	EP	Legal research on remedies.
9/25/2007	1.4	EP	Revise complaint.
9/25/2007	0.3	EP	s/w client to update: State case dismissed, researching lien removal.
9/27/2007	0.2	EP	Draft and sent client letter w/ copy of retainer for Fed claim.
10/2/2007	0.5	EP	Edit complaint.
10/11/2007	1.2	EP	File complaint with Fed. Court.
10/11/2007	1.0	EP	make final edits to complaint, draft cover sheet & summons, prepare copies for filing.
10/11/2007	0.5	EP	Prepared case file & packet to serve defendant.
10/11/2007	0.1	EP	Returned client call and lmtcb.
10/12/2007	0.3	EP	mailed copy of complaint to client w/ cover letter.
10/12/2007	0.2	EP	mailed docs to Roy Gadri - details in previous note.
10/12/2007	0.1	EP	Draft client letter.
10/15/2007	0.5	EP	Case research on award of attys fees for prior FDCPA suit.
10/15/2007	0.1	EP	Client called for update on case.
10/16/2007	0.3	EP	Calculate attorney's fees through 10/16/07.
10/16/2007	0.2	EP	More case research on award of attys fees for prior FDCPA suit.
10/18/2007	0.2	EP	Further revise attorney's fees and costs.
10/18/2007	0.2	EP	Review and revise attorney's fees and costs.
10/23/2007	0.3	EP	Review/draft settlment offer.
10/25/2007	0.1	EP	from previous timeslip - l/m for client.
10/25/2007	0.1	EP	Draft letter to Gadri re: resending complaint, etc.
10/26/2007	0.5	EP	Sent packet to Gadri: summons, complaint, civ cover sheet, notice of waiver, 2 copies of waiver, cover letter, return envelope, packet from court. He has 30 days to return waiver, which makes 11/25 day 30.
10/26/2007	0.2	EP	s/w client and got settlement authority.
11/1/2007	0.3	EP	Phone call w/ Nancy Norris.
11/20/2007	0.2	EP	updated client on case status.
11/20/2007	0.0	EP	review client file.

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11/26/2007	0.1	EP	s/w Nancy Norris (818) 363-0203)
11/29/2007	0.5	EP	put together service packet to mail to Countrywide
11/29/2007	0.2	EP	called Depo Net: $60 for regular service w/in a week. Countrywide Process Service
11/29/2007	0.1	EP	wrote cover letter to process server.
1/2/2008	0.1	RC	Called and spoke to rep at 2:45 pm, she indicated they served doc on 12/19/07 and mailed copies to our office.
1/2/2008	0.1	RC	Rec'd fax proof of service from Jack D. today at 3:10 pm from Country Wide Service
1/15/2008	0.3	EP	faxed Nancy Norris that we will be taking default on 1/22
1/15/2008	0.3	EP	draft request to enter default
1/15/2008	0.2	EP	e-mailed complaint & exhibits to court
1/17/2008	0.2	EP	e-filed proof of service.
1/17/2008	0.1	EP	final edits to request to enter default.
1/22/2008	0.2	EP	e-file request for entry of default
1/24/2008	0.5	EP	received call from court clerk Jay Younger (408-535-5393) requesting declaration w/ request for entry of default. Drafted declaration & e-filed.
1/24/2008	0.1	EP	l/m returning client's call.
1/29/2008	0.3	EP	updated declaration & e-filed as amended declaration.
1/29/2008	0.2	EP	s/w client and updated on case.
1/29/2008	0.1	EP	s/w Jay Younger who said to file an amended declaration.
1/29/2008	0.1	EP	returned call to Jay Younger re: incomplete declaration.
2/4/2008	0.5	JJ	Researched FDCPA & Rosenthal Act for applicable sections to use for client's application for default judgment.
2/4/2008	0.1	JJ	Wrote an email to client updating him on his case.
2/8/2008	1.1	JJ	Researched FDCPA 1692k and 1692g(b) case law as well as relevant law review articles.
2/8/2008	0.1	JJ	Started a new document and begin drafting application for default judgment.
2/15/2008	1.0	JJ	Legal research.
2/15/2008	0.1	JJ	Client called today.
2/22/2008	1.3	JJ	Researched 1692f cases. Researched 1692e(2)(A) as a possible alternative to 1692f argument.
3/10/2008	0.3	JJ	Reasearch for relevant case law.
3/14/2008	0.8	JJ	Started work on statement of facts

3/14/2008	0.3	JJ	Researched cases.
3/14/2008	0.1	JJ	Left a voice message for Mr. Nguyen.
3/17/2008	0.7	JJ	Worked on P&A for Default Judgment.
3/28/2008	1.1	JJ	Worked on formatting, arguments, and other areas of P & A.
3/28/2008	0.3	JJ	Call from Mr. Nguyen. Spoke with client regarding his case.
3/31/2008	0.7	JJ	Started work on §1692f argument of P&A.
4/4/2008	1.3	JJ	Finished up legal arguments of FDCPA Violations. Added Complaint References. Made suggested changes.
4/4/2008	0.1	JJ	Searched for additional cases to support §1692f legal arguments.
4/7/2008	0.5	JJ	Made edits to Application for Default Judgment.
4/11/2008	0.3	JJ	Rec'd call from Mr. Nguyen.
4/11/2008	0.2	JJ	Worked on CMC statement for 4/25/08 conference.
4/11/2008	0.1	JJ	Called Mr. Nguyen.

EXHIBIT "B"

```
          Superior Court Of California
           Chief Executive Officer,
                 Kiri Torre
            Superior Court Building
            171 North First Street
            San Jose, CA  95113-1070


Received From:  Tung Nguyen


1-06-CV-075873
   CV LT Ans/1st Paper not P  CK
                              300.00
   Sub Total                 $300.00


   ----MOP-------------------AMOUNT----

   CK              $          300.00


   --------------------------------------
   TOTAL DUE       $          300.00
   CASH RECEIVED   $            0.00
   CASH DUE        $            0.00
   --------------------------------------
   CHANGE          $            0.00


Receipt #2007000053871
Cashier: DCW DTDCIV010101
06/01/07  12:35pm
Downtown Courthouse
```

Court Name: U.S. District Court, NDCA
Division: 5
Receipt Number: 54611001870
Cashier ID: harwellt
Transaction Date: 10/11/2007
Payer Name: Scott Maurer

CIVIL FILING FEE
  For: Scott Maurer
  Case/Party: D-CAN-5-07-CV-005218-001
  Amount: $350.00

CHECK
  Check/Money Order Num: 1444
  Amt Tendered: $350.00

Total Due: $350.00
Total Tendered: $350.00
Change Amt: $0.00

Case # 07-cv-05218-JF

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the financial institution on which
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Telephone: (818) 980-7378, FAX: (818) 980-5358, Tax ID: 35-2230222

Attention: SCHOOL OF LAW
SANTA CLARA UNIVERSITY
1030 THE ALAMEDA,
SAN JOSE CA 95126

Work Order #: 200754003
    Case #: C 07-05218 JF
    Court: UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA
    Title: NGUYEN vs. GADRI
Documents: SUMMONS IN A CIVIL CASE; CIVIL CASE COVER SHEET;COMPLAINT FOR VIOLATIONS
    OF THE FEDERAL FAIR DEBT COLLECTION PRACTIVES ACT,

Date	Description	Amount
12/19/07 11:14AM	Substituted Service ROY GADRI, AT Business 5632 VAN NUYS BLVD., STE 380 VAN NUYS CA 91401, by serving: MOSHE COHEN-PERSON IN CHARGE, Served By: HAKOP JACK DEMIRCHYAN	
	Mailed Copy Of Documents To: ROY GADRI	
12/19/07	PROCESS SERVICE	70.00
12/19/07	LOCATE SUBJECT (EXTENDED SEARCH)	25.00

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